

**BOARD OF SUPERVISORS
ANNUAL REVIEW
COMMITTEE OF THE WHOLE
September 12, 2007**

SUMMARY

The Board of Supervisors held a Committee of the Whole work session on September 12, 2007. The Board focused on the 64-issue Summary Matrix, distributed with the July 31, 2007 public hearing staff report as Attachment 1. The following numbered recommendations correspond to the numbered issues on the Summary Matrix.

1. Retain the existing text in Section 1-103(N)(2). Consider amending the Board's current policy for properties in the Route 28 Tax District that want to be governed by the Revised 1993 Zoning Ordinance.
2. Amend Section 1-404(A) as follows:
[page 1-24 on Attachment 9 of the July 31, 2007 public hearing staff report]
 - (A) **Use of Nonconforming Lots.** If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1-103(H), and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1-103(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though ~~the lot it~~ does not meet the lot ~~area, access and/or lot width~~ requirements of the district, provided all the other regulations of this Ordinance can be satisfied. Notwithstanding anything to the contrary contained herein, hamlet lots shall be governed by the Rural Hamlet Option as contained in Section 5-702.
3. Amend Section 1-404(C) as follows:
[page 1-25]
 - (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments ~~shall may~~ be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment. In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where ~~the number of residential units allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and~~ the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected

easement area; ~~or~~ (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the ~~fifty~~ forty acre minimum lot size in the AR-2 zoning district; (4) it allows for boundary line agreements to correct survey inconsistencies; or (5) in the AR-1 and AR-2 zoning districts, no lot shall be decreased to less than 80,000 square feet.

4. Amend Section 1-405(D) as follows:
[page 1-26]

(D) **Effect of Approval.** Upon approval of the application for termination of nonconforming status by the Board, the use or structure shall no longer be treated as nonconforming and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for a continuous period of one (1) years.~~one hundred eighty (180) consecutive days.~~ This status as a lawfully existing use shall apply only to the use or structure for which the special exception approval is issued and not to any other use or structure that may be located on the lot.

5. Amend Section 2-403(HHH) as follows:
[page 2-58]

(HHH) Recreation establishment, outdoor or indoor.

6. Add Section 2-505(E):
[page 2-63]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

Add Sections 2-605(E) and 2-606(F):
[page 2-70]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(F) Maximum Residential Density. One lot per 20,000 square feet calculated on the overall parcel, exclusive of streets.

Add Sections 2-705(E) and 2-706(F):
[page 2-76]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(F) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

Add Sections 2-805(E), 2-806(E) and 2-807(G):
[pages 2-81 and 2-82]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(E) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

(G) Maximum Residential Density. One lot per 10,000 square feet calculated on the overall parcel, exclusive of streets.

7. Amend Sections 2-511, 2-612, 2-712 and 2-812 as follows:
[pages 2-66, 2-72, 2-78 and 2-83]

2-511 Development Setback and Access from Major Roads. In designing residential development, the ~~following~~ requirements of Section 5-900 shall be observed.

~~(A) Setback. No building shall be located any closer than one hundred (100) feet from the right of way of any arterial road and seventy five (75) feet from the right of way of a major collector and thirty five (35) feet from any other road right of way, private access easement and prescriptive easement.~~

~~(B) Access. No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district.~~

8. Add Section 2-903(NN); Delete Section 2-904(K) as follows:
[page 2-86]

2-903 Permitted Uses.

(NN) Mill, feed and grain.

2-904 Special Exception Uses.

~~(K) Mill, feed and grain.~~

9. Amend Section 2-904(A) as follows and delete Section 2-904(B):
[page 2-86]

(A) Any one permitted use in excess of 10,000 sq. ft. in gross floor area: provided that agricultural uses, mill, feed and grain, farm supplies, farm market, and farm machinery sales and service are not subject to this limit.

~~(B) Any one permitted use which exceeds 50% of the gross floor area of the rural commercial district in which it is located.~~

10. Amend/add proposed Sections 2-903(OO), 2-904(CC), 4-203(A)(32), 4-203(C)(8) and 4-203(D)(7) as follows:
[pages 2-86, 2-87, 4-15 and 4-16]

2-903 Permitted Uses.

(OO) Training facility, accessory to a permitted or special exception use.

2-904 Special Exception Uses.

(CC) Training facility.

4-203 Permitted Uses.

(A) Neighborhood Center.

(32) Training facility, accessory to a permitted or special exception use.

(C) Small Regional Center.

(8) Training facility.

(D) Regional Center.

(7) Training facility.

11. Add Section 2-910:
[page 2-89]

2-910 Development Setback and Access from Major Roads. In designing nonresidential development, the requirements of Section 5-900 shall be observed.

12. Keep “school (elementary, middle, or high), for more than 15 pupils” as a special exception use in the TR-10, TR-3, TR-2 and TR-1 zoning districts.
[pages 2-141, 2-150, 2-158 and 2-166]

13. Amend Sections 3-108(A) and 3-109(A) as follows:
[pages 3-5 and 3-6]

3-108 Building Requirements for Cluster Development Reducing Lot Size Up to 20%.

(A) Lot Coverage. ~~20~~30% maximum.

3-109 Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

(A) Lot Coverage. ~~25~~30% maximum.

14. Add the following definitions to Article 8:
[page 8-49]

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Vehicle: Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

15. Issue 15 Tabled

16. Amend Section 4-206(D) as follows:
[page 4-20]

(D) **Vehicular Access.** Primary access ~~and through vehicular traffic impacting residential neighborhoods shall be avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~ Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows:

- (1) **Neighborhood Centers.** Local access roads.
- (2) **Community Centers.** Collector roads.
- (3) **Small Regional Centers.** Major collector roads.
- (4) **Regional Centers.** Controlled access onto arterial roads.

17. Amend Section 4-302(A) as follows:
[page 4-25]

(A) On ~~primary state highways, however, direct access onto~~ arterial roads ~~shall be limited to those consistent with adopted Corridor Plans~~ or collector roads.

18. Amend Sections 4-305(B)(1), 4-405(B)(1), 4-505(B)(1), 4-605(B)(1), 4-705(B)(1) and 4-805(F)(1) as follows:
[pages 4-28, 4-37, 4-47, 4-57, 4-65 and 4-74]

(1) **Adjacent to Roads.** ~~Except where a greater setback is required by Section 5-900, No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to the right of way of any arterial road,~~

seventy five (75) feet to any major collector road, and (35) feet to the right-of-way from any other road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks areas between buildings

19. Amend Sections 4-306(C) and 4-406(C)(1) as follows:
[pages 4-30 and 4-38]

(C) **Floor Area Ratio.** ~~.60 maximum; up to 2.0 maximum by Special Exception. Total floor area permissible on an individual lot shall not exceed .40 times the gross land area of the lot. However, the Board of Supervisors may permit a total floor area on an individual lot exceeding .40 times the gross land area of the lot as a part of approval of the Concept Development Plan, concurrent with the PD-OP amendment, or by amendment of an existing Concept Development Plan upon recommendation of the Planning Commission at any time after the original PD-OP amendment provided the following criteria are met.~~

(1) **Maximum FAR Permitted.** ~~.60 maximum; up to 2.0 maximum by Special Exception. FAR shall not exceed .40 times the gross land area of the lot, unless allowed by the Board of Supervisors pursuant to paragraph (2) below.~~

20. Amend Section 4-307(E) as follows:
[page 4-31]

(E) **Site Planning.** Within any PD-OP district, ~~the site plan shall provide for efficient groupings of structures, uses and facilities, and for smooth and convenient traffic flow within the district and at points of entry and exit. To promote park like character within such districts, particular care should be taken to organize the landscaping in such a way as to maximize the visual effects of green spaces as seen from public ways.~~ Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

21. Amend Section 4-307(F) as follows:
[page 4-32]

(F) **Development Setback and Access from Major Roads.** ~~In designing a planned office park development, the following requirements shall be observed:~~

(1) ~~Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~

(2) ~~Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Minor~~

~~streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.~~

22. Issue 22 Tabled

23. Retain the existing text in Section 4-502.
[page 4-42]

24. Issue 24 Tabled

27. Amend Sections 4-507(G)(2) and 4-607(F)(2) as follows:
[pages 4-51 and 4-60]

- (2) Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall be ~~avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.~~

28. Amend Sections 4-707(D) and 4-808(Q) as follows:
[pages 4-66 and 4-77]

- (D) **Access from Major Roads.** In designing special activity development, special activity development, the ~~following~~ requirements of Section 5-900 shall be observed.÷
- (1) ~~Setback.~~ No building shall be located any closer than 100 feet from the right of way of any arterial road and 75 feet from the right of way of a major collector, and thirty five (35) feet from any private access easement and prescriptive easement.
- (2) ~~Access.~~ No individual lots created after adoption of this Ordinance shall have direct access to an arterial road.
- (3) Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall ~~not be permitted prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~
- (Q) **Access from Major Roads.** The ~~following~~ requirements of Section 5-900 shall be observed.÷
- (1) ~~Access.~~ No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots in the Town Center Fringe area shall not have direct access to major collector roads.
- (2)(1) Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall ~~not be permitted prohibited on residential neighborhood streets. This~~

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prohibition does not apply to collector roads through residential neighborhoods.